

COPY

Summons in a Civil Action (Rev 11/97)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

DOSTART CLAPP GORDON & COVENY, LLP,
a limited liability partnership,Plaintiff,
vsUNITED STATES DEPARTMENT OF LABOR,
ELAINE L. CHAO, in her official capacity as
Secretary of Labor, and DOES 1 through 20,
inclusive,

Defendants.

AMENDED

SUMMONS IN A CIVIL ACTION

Case No. 08 CV 0863 JM AJB

TO: (Name and Address of Defendant)

UNITED STATES DEPARTMENT OF LABOR
200 Constitution Ave, NW
Washington, DC 20210ELAINE L. CHAO
Secretary of Labor
200 Constitution Ave, NW
Washington, DC 20210YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFF'S ATTORNEYJames F. Clapp, Esq.
DOSTART CLAPP GORDON & COVENY, LLP
4370 La Jolla Village Drive, Suite 970
San Diego, CA 92122An answer to the complaint which is herewith served upon you, within 30 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

MAY 15 2008

CLERK


DATE

By

, Deputy Clerk

RETURN OF SERVICE			
<small>AMENDED</small> Service of the Summons and Complaint was made by me	DATE May 16, 2008		
NAME OF SERVER Kathryn A. Jordan	TITLE Paralegal		
Check one box below to indicate appropriate method of service			
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:			
Name of person with whom the summons and complaint were left: _____			
<input type="checkbox"/> Return unexecuted:			
<input checked="" type="checkbox"/> Other (specify): Served defendant Elaine L. Chao, Secretary of Labor, by certified mail pursuant to Fed.R.Civ.P. 4(i)(2)(A). Mailed to Elaine L. Chao, Secretary of Labor, 200 Constitution Ave, NW, Washington, DC 20210			
STATEMENT OF SERVICE FEES			
TRAVEL		SERVICES	TOTAL
DECLARATION OF SERVER			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.			
Executed on: <u>May 16, 2008</u>		 Signature of Server DOSTART CLAPP GORDON & COVENY, LLP 4370 La Jolla Village Drive, Suite 970, San Diego, CA 92122 Address of Server	
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE			
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u>			
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.			
JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure